

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION ATHLETIC
GRANT-IN-AID CAP ANTITRUST
LITIGATION

CASE NO. 14-md-2541-CW
CASE NO. 14-cv-2758-CW

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING ADDENDUM TO
STIPULATED PROTECTIVE ORDER**

This Document Relates to:
ALL ACTIONS

1 All parties, by their respective counsel, hereby agree and stipulate to this proposed
2 Addendum to the “Stipulated Protective Order Regarding Confidentiality of Documents and
3 Materials” (the “Protective Order”) (Dkt. 189) entered by the Court on January 15, 2015:

4 1. Unless otherwise defined herein, all capitalized terms shall have the meanings
5 ascribed to such terms in the Protective Order.

6 2. The Protective Order will recognize a new category of discovery called “Highly
7 Confidential NCAA Member Financial Data.” Any party may designate as “Highly Confidential
8 NCAA Member Financial Data” (by stamping the relevant page or portion “Highly Confidential
9 NCAA Member Financial Data – Lead Counsel Only”) any document, response to discovery, or
10 deposition transcript which includes NCAA member institution financial data (including
11 summaries or analyses of such data and all identification keys that match member institution
12 financial data to member institution names) that the Disclosing Party considers in good faith to
13 contain Highly Confidential Information, the disclosure of which to another party or non-party
14 would create a substantial risk of serious harm that could not be avoided by less restrictive means.
15 Where a document, response to discovery, or deposition transcript consists of more than one page,
16 the first page and each page on which Highly Confidential NCAA Member Financial Data appears
17 shall be so designated. Highly Confidential NCAA Member Financial Data may only be disclosed
18 to those persons set forth in Paragraph 3 below.

19 3. Highly Confidential NCAA Member Financial Data that is designated as such in
20 accordance with the terms of the Protective Order and this Addendum shall not be disclosed to any
21 person other than the following, and only to the extent necessary to litigate these actions:

22 a. Plaintiffs’ Interim Co-Lead Class Counsel as appointed by the court
23 (namely, Winston & Strawn LLP, Hagens Berman Sobol Shapiro LLP and Pearson, Simon &
24 Warshaw LLP) (Dkt. 82) and employees of such counsel;

25 b. counsel for Defendants in this litigation, including in-house counsel and co-
26 counsel retained for these actions and employees of such counsel, including a Defendant’s in-
27 house legal staff;

28 c. consultants or expert witnesses retained for the prosecution or defense of

1 these actions, and anyone assisting said consultants or expert witnesses in connection with these
2 actions, provided that each such person shall execute a copy of the certification annexed to this
3 Addendum as Exhibit A before being shown or given any Highly Confidential NCAA Member
4 Financial Data;

5 d. the original author, addressees, or recipients of the Highly Confidential
6 NCAA Member Financial Data;

7 e. the Court, court personnel and court reporters;

8 f. persons or entities that provide litigation support services (e.g.,
9 photocopying; videotaping; translating; preparing exhibits or demonstrations; organizing, storing,
10 retrieving data in any form or medium; etc.) and their employees and subcontractors, provided that
11 such persons or entities shall execute a copy of the certification annexed to this Addendum as
12 Exhibit A before being shown or given any Highly Confidential NCAA Member Financial Data;
13 and

14 g. witnesses (other than persons described in Paragraph 3(c) above) who
15 testify at deposition or at trial, provided that (1) the Receiving Party has a good faith belief that
16 such witness previously had access to or otherwise had obtained knowledge of the Highly
17 Confidential NCAA Member Financial Data; and (2) such witnesses shall execute a copy of the
18 certification annexed to this Addendum as Exhibit A before being shown or given any Highly
19 Confidential NCAA Member Financial Data.

20 4. Except as set forth herein, for purposes of all paragraphs of the Protective Order
21 except Paragraph 13, Highly Confidential NCAA Member Financial Data will receive the same
22 treatment under each such paragraph as Highly Confidential – Counsel Only Information.
23 Without limitation, any challenges or objections concerning the designation of information as
24 Highly Confidential NCAA Member Financial Data shall be made pursuant to Paragraph 14 of the
25 Protective Order.

26 5. The parties agree that they will file documents that use Highly Confidential NCAA
27 Member Financial Data regarding any NCAA institution identified by name (as opposed to an
28 institution identified by unique identifier) if and only if they have a good faith need to identify the

1 institution by name. The parties further agree that any such filing shall be filed under seal.

2 IT IS SO STIPULATED.

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ECF ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from each of the other signatories above.

/s/ Karen Hoffman Lent
Karen Hoffman Lent

1 **PURSUANT TO STIPULATION,**
2 **IT IS SO ORDERED.**

3 DATED: July 9, 2015

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5 _____
6 THE HON. CLAUDIA WILKEN
7 UNITED STATES DISTRICT JUDGE
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EXHIBIT A

I, _____, state:

1. My address and telephone number are:

2. My present employer and my employer's address are:

3. I have received a copy of the Stipulated Protective Order Regarding Confidentiality of Documents and Materials (the "Protective Order") entered in the case of *In re: National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*, in the United States District Court for the Northern District of California, No. 4:14-MD-2541-CW, entered by the Court on January 15, 2015, and the Stipulation and Order Regarding Addendum to Stipulated Protective Order ("Addendum") entered by the Court on _____.

4. I have carefully read the Protective Order and Addendum and understand their provisions.

5. I will comply with all the provisions of the Protective Order and Addendum.

6. I will hold in confidence and will not disclose to anyone not qualified under the Protective Order and Addendum any documents designated Confidential, Highly Confidential – Counsel Only or Highly Confidential NCAA Member Financial Data – Lead Counsel Only, and I will use such Confidential Information and/or Highly Confidential – Counsel Only Information and/or Highly Confidential NCAA Member Financial Data only for the allowed purposes stated in the Protective Order and Addendum.

7. I will return all documents that are designated Confidential, Highly Confidential – Counsel Only or Highly Confidential NCAA Member Financial Data – Lead Counsel Only to counsel for the party from whom I obtained such documents.

8. I will submit to the jurisdiction of the United States District Court for the Northern District of California for purposes of the enforcement of the Protective Order and Addendum, and understand that violation of the Protective Order and Addendum can constitute contempt of Court.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

SIGNED _____, 201_.

Signature

Printed Name